

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

PATRICK D. PERRY, et al.,

Plaintiffs,

V.

**HARDEMAN COUNTY
GOVERNMENT, et al.**

Defendants.

Case No. 1:19-cv-1106-STA-jay

JURY TRIAL DEMANDED

**MOTION FOR SUMMARY JUDGMENT OF THE HARDEMAN COUNTY
EMERGENCY COMMUNICATIONS DISTRICT**

Defendant, the Hardeman County Emergency Communications District (the “Communications District”), moves the Court to grant it summary judgment on all claims asserted against it because there are no material issues of fact in dispute. The Communications District is entitled to judgment as a matter of law.

The Plaintiffs are Hardeman County deputy sheriffs, jailers, and emergency dispatchers who allege they were unlawfully denied overtime compensation in violation of the FLSA. (Amend. Compl., ¶ 1-43, D.E. 29). The *dispatcher* Plaintiffs have asserted an FLSA overtime claim against the Communications District, alleging that the Communications District qualifies as a “joint employer” under the law. This claim fails as a matter of law.

To determine whether an entity qualifies as a joint employer, the Court must consider whether the entity (1) had the power to hire and fire employees; (2) supervised and controlled employee work schedules or conditions of employment; (3) determined the rate and method of

payment; and (4) maintained employment records. It is undisputed that none of these elements are present, and Plaintiffs have no basis to contend otherwise. Accordingly, this Court should dismiss the Communications District from this lawsuit with prejudice.

Respectfully submitted,

/s Frank L. Day.

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of March, 2020, served a true and correct copy of the foregoing document, via the Court's Electronic Filing System upon the following counsel of record:

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